

REMARKS

Claims 2-5 and 7-10 remain pending in this application for which applicants seek reconsideration.

Amendment

Independent claim 10 has been amended to more clearly set forth the meaning of “demographic information” based on the examiner’s comment that the claims do not define this term. See pages 6 (lines 15-16) and 7 (lines 25-26) for support. No new matter has been introduced.

Art Rejection

Claims 2-5 and 8-10 were rejected under 35 U.S.C. § 103(a) as unpatentable over Lockhart (USP 6,732,152) and claim 7 was rejected further in view of Fredlund (USP 5,666,215). In light of the present amendment where the “demographic information” has been more clearly defined, applicants renew the arguments set forth in the previous reply, namely the aspect about Lockhart not teaching the method step of the consumer electronically transmitting the demographic information identifying the consumer or recipient.

Specifically, claim 10 now explicitly calls for a method step of electronically transmitting digital image and demographic information identifying the consumer or recipient by the consumer. Claim 10 defines the demographic information as information (other than address information) including at least one of age, ethnicity, or income. Lockhart in contrast explicitly calls for deriving the demographic information from the consumer’s address information. Lockhart does not teach the step of the consumer electronically transmitting the demographic information.

Moreover, claim 10 further calls for the central receiving agency to select and merge one or more sponsor’s digital image(s) (based upon a correlation between the demographic information provided by the consumer and the demographic requirements provided by the sponsor(s)) with the consumer selected digital image. Lockhart also would not have taught this aspect of the invention. Referring to the passage set forth in column 15, line 36, to column 16, line 23, the examiner argues that it is the sponsor who selects what images and text are included in the system to begin with. Perhaps that may be true, but nowhere does this passage state that its sponsor driven mail system includes merging a sponsor advertisement selected based on the sponsor’s demographic requirements and the consumer supplied demographic information. This passage merely discloses that the recipient’s address can be used to derive

demographic data. There is no mention anywhere of inputting the demographic requirements by the sponsor and the demographic information by the consumer/recipient.

Based on the above distinctions, applicants submit that claim 10 distinguishes over Lockhart within the meaning of § 103. Fredlund, which was relied upon for the proposition that merging a digital audio file would have been obvious, would not have alleviated Lockhart's shortcomings even if the combination were deemed proper. Accordingly, all pending claims define over the applied references.

Conclusion

Applicants submit that claims 2-5 and 7-10 are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

/RAYMOND L. OWENS/

ATTORNEY FOR APPLICANTS
RAYMOND L. OWENS, REG. NO. 22,363

ROCHESTER, NY 14650
585-477-4653 (PHONE)
585-477-4646 (FAX)